

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 11, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Dutra led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of Approval of Final Map, Improvement Plans, Agreement for Construction of Private Street Improvements (Lurene Drive, Paso Nuez Common, Paso Pino Common, Paso Roble Common, Paso Cedro Common and Paso Olmo Terrace), and Dedication of Land and Public Easements for Tract 7916**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2011-02 :

1. Approving the Final Map and the Improvement Plans for Tract 7916.
2. Approving the Agreement for Private Street Improvements entitled “Private Improvement Agreement, Tract 7916”, with the developer, KB Home South Bay Inc., a California corporation and authorizing the City Manager to execute the agreement on behalf of the City.

3. Accepting the developer's offer of dedication of land, as identified on the Final Map, provided that the acceptance of any offer of dedication for any public streets shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Acceptance of the Fremont Redevelopment Agency's Annual Report of Financial Transactions and Housing Activities Report**

On a motion by Councilmember Natarajan seconded by Councilmember Harrison, the City Council accepted the Redevelopment Agency Annual Report as submitted to the State Controller.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Authorization to Enter into an Agreement with the Alameda County Office of Emergency Services as Fiscal Agent for the State Homeland Security Program (SHSP) to Accept SHSP Grant Funds and Make Associated Purchases**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to enter into an agreement with the Alameda County Office of Emergency Services to accept and appropriate 2008 SHSP grant funds totaling \$48,000 to Fiscal Year 2010/11 to Fund 199 (Misc. Federal Grants), and to spend those funds on incident leadership training as proposed.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a General Vacation to Abandon a Portion of Thornton Avenue and Post Street in the Centerville Planning Area (PLN2009-00258) and if Approved to Authorize Conveyance of the Vacated Portion of the Street to Dale Hardware (Continued from December 14, 2010)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found the proposed General Vacation (PLN2009-00258), as depicted and described on Exhibit "A" is in conformance with the General Plan, for the reasons stated in the body of this report.
3. Found PLN2009-00258, as depicted and described on Exhibit "A," fulfills the applicable criteria set forth in Section 8324 of the Streets and Highways Codes in that the portion of Thornton Ave to be vacated is not now, nor will it in the future, be required for public street purposes.
4. The General Vacation shall conform to Exhibit "A."
5. Adopted Resolution No. 2011-03 conditionally vacating the portion of Thornton Avenue as described and depicted in Exhibit "A. The vacation is conditional and shall not be recorded or effective until all of the following have occurred:
 - a. The Dale Hardware Inc. Project Lot Combination is approved by City staff and is ready to be recorded.
 - b. Dale Hardware Inc. has executed and delivered to the City, at no cost to the City, an easement granting the city temporary roadway and utility easement to allow the public and public utility agencies the right to use and to maintain the roadway, sidewalk and utilities existing in the vacated portion of Thornton Avenue until such time as the developer removes and reconstructs the road, sidewalk and utilities as permitted by the City and other public agencies or utilities.
6. Upon payment to the City of a sum determined to be the fair market value of the parcels, authorize the City Manager, or designee to execute a deed conveying Parcels A and C as shown on Exhibit "A" to Dale Hardware Inc.
7. Directed that the resolution vacating a portion of Thornton Avenue; the Dale Hardware expansion project lot combination; the deed for Parcels A and C, and the temporary easement allowing public use of the vacated Thornton Avenue shall be deposited into an informal escrow with the City and shall be recorded together in the following order:
 - a. Resolution vacating a Portion of Thornton Avenue
 - b. Deed conveying the Parcels A and C (as shown on Exhibit A) of the vacated portion of Thornton Avenue to Dale Hardware Inc.
 - c. Lot Combination for the Dale Hardware store expansion project.
 - d. Temporary Easement from Dale Hardware Inc. to the City for public use of the vacated portion of Thornton Avenue.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Dutra
Noes: None
Absent: None
Abstain: Councilmember Harrison due to a conflict of interest
related to a business relationship with the applicant

3. CEREMONIAL ITEMS

3.1 Proclamation: Declaring January 2011 as National Blood Donor Month

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Linda Susoev expressed concern for the care of the elderly in Fremont.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of a Presentation of CIP Progress, Capital Revenue Projections and Initial Project Prioritization, and Approve the Close Out of Completed Capital Projects

City Engineer Norm Hughes reviewed the CIP process, provided CIP/PWC status update and closeouts and outlined the five year revenue projections and initial review of proposed projects. Management Analyst II Sean O'Shea provided a detailed overview of each funding source, which included: unrestricted Capital Fund 501, gas taxes, traffic impact fees, bicycle and pedestrian fund, park facilities and acquisition, redevelopment, committed/restricted, and projects funded with debt. City Engineer Hughes summarized the CIP outlook and outlined next steps. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Provide comment on staff prioritization lists.
2. Approved the close outs and defunding of capital projects identified on Enclosure C, and returned funds to fund balance for future appropriation in the FY 2011/12-2015/16 CIP.
3. Approved the transfer of remaining funds between capital projects as identified on Enclosure C.
4. Approved appropriation of current and future interest earnings from Proposition 1B funding to 527PWC8234.
5. Approved appropriation of \$11,000 for funds received from Candlelighters (\$6,000) and Washington Township & Mission Peak (\$5,000) to 502PWC8394 for Rancho Higuera Roof Restoration.
6. Directed staff to make an application to the WW Local Grant Program, 2011 cycle, for \$2,673,000, for the Patterson House Foundation and Electrical Improvements (\$823,000),

Warm Springs Restrooms and Recreation Room Replacement (\$475,000), Calsense Irrigation System for Park System (\$514,000), Well and Pump Replacements at various locations (\$861,000).

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened for Further Consideration of the Site Master Plan and Related Environmental Document for the Fremont Skate Park, 8672 (PWC)

City Attorney Harvey Levine provided an overview of the item. Mayor Wasserman opened the item for public comment. John Freeman, Tony Pimentel, Bob Fifield, and Dr. Lilian Tsappa expressed support for Council to rescind its previous project approvals. Kathy Kimberlin requested Council to consider deciding what is in the best interest of the majority. Shadi Rayyan, Paul Bonaccorsi, and Efren expressed support for the location of the Skate Park at the Paseo Padre Parkway site adjacent to the Waterpark. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Mayor Wasserman, the City Council:

1. Rescinded previous project approvals.
2. Directed staff to conduct an environmental study only on the site adjacent to the Aqua Adventure Water Park site and return to Council with the study for a final decision.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Event – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 9:15 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor